

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDREW PRESTON MARTELL,

Defendant.

CR-05-120-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 15, 2022. (Doc. 58.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on June 14, 2022. (Doc. 53.) The United States accused Andrew Martell (Martell) of violating his conditions of

supervised release 1) by using marijuana; 2) by consuming alcohol; 3) by failing to report for substance abuse testing; 4) by failing to successfully complete his sex offender treatment program; and 5) by failing to maintain full time employment. (Doc. 49.)

At the revocation hearing, Martell admitted that he had violated the conditions of his supervised release 1) by using marijuana; 2) by consuming alcohol; 3) by failing to report for substance abuse testing; and 4) by failing to successfully complete his sex offender treatment program. The Court dismissed alleged violation 5 on the government's motion. (Doc. 53.) Judge Johnston found that the violation Martell admitted proved to be serious and warranted revocation, and recommended that Martell receive a custodial sentence of 4 months, with 22 months of supervised release to follow. (Doc. 58.) Martell was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 58.)

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 58) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Andrew Preston Martell be sentenced to the Bureau of Prisons for 4 months, with 22 months of supervised release to follow.

DATED this 30th day of June, 2022.



Brian Morris, Chief District Judge
United States District Court